

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRAVIS HAYWARD, on behalf of himself
and all others similarly situated,

Plaintiff(s),

-against-

IBI ARMORED SERVICES, INC., and
MICHAEL SHIELDS,

Defendants.

1:17-cv-02944-ILG-CLP

**DEFENDANTS' PARTIAL MOTION FOR
SUMMARY JUDGMENT OR, IN THE
ALTERNATIVE, FOR DECLARATORY
JUDGMENT**

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Pursuant to Federal Rules of Civil Procedure 56 and 57, Defendants, IBI Armored Services, Inc. and Michael Shields (collectively, "Defendants"), hereby move this Court to enter full final summary judgment as to the overtime claims under the Fair Labor Standards Act ("FLSA") and the New York Labor Law ("NYLL"), filed by all Plaintiffs except Plaintiffs Andre Gordon, Norman Edwards, Pablo Garcia, and William Mendez.

Summary judgment, or declaratory judgment, should enter because Plaintiffs are not entitled to overtime compensation pursuant to the Federal Motor Carrier Exemption.

This motion is based on the attached memorandum of law, the attached summary judgment evidence, the Local Rule 56.1 Statement and all pleadings and paper on file.

OBERMAYER REBMANN MAXWELL &
HIPPEL LLP

/s/ Stacey L. Pitcher

Stacey L. Pitcher, Esq.

Mathew Beckwith, Esq.

Attorneys for Defendants

521 Fifth Avenue, 34th Floor

New York, NY 10175

Tel. (917) 994-2551

stacey.pitcher@obermayer.com

mathew.beckwith@obermayer.com

Dated: October 8, 2018

CERTIFICATE OF SERVICE

This is to certify that on October 8, 2018, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court(s) electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

/s/ Stacey L. Pitcher
Stacey L. Pitcher